

1 DEPARTMENT OF PUBLIC SERVICE REGULATION
2 BEFORE THE PUBLIC SERVICE COMMISSION
3 OF THE STATE OF MONTANA

IN THE MATTER OF THE PETITION OF JAMES T. AND)
ELIZABETH A. GRUBA; LEO G. AND JEANNE R. BARSANTI ON)
BEHALF OF THEMSELVES & OTHERS SIMILARLY SITUATED,) REGULATORY DIVISION
Complainants.)
VS.)
NORTHWESTERN ENERGY,) DOCKET NO. D2010.2.14
Defendant.)
)

4
5 COMPLAINANTS' SECOND SET OF DISCOVERY REQUESTS TO NORTHWESTERN

6 This Discovery is made pursuant to ARM 38.2.3301 which adopts M.R.Civ.P., Rules 26,
7 28 through 37 (excepting rule 37(b) (1) and 37(b) (2) (d). Pursuant to Rule 36(a)(3) you have 30
8 days after the date these were served upon you to respond. Please note the specificity of your
9 response required by Rule 36(a)(4).

10 (Denoted as "C-000 RFA **" for "Complainants' Request for Admission")

11 REQUESTS FOR ADMISSIONS

12 C-051

13 RFA 30

14 Regarding Clarification of NWE's response to Petition ¶ 87.

15 Witness: Unknown (When "unknown appears, please indicate the witness who will attest to
16 NorthWestern's response to the RFA.)

- 17
18 1) Please admit that property taxpayers in SILMDs # 161 and 162 (where the
19 Grubas own property) began to receive electric service pursuant to a November
20 23, 1970, contract the City of Billings had with Montana Power and any
21 extensions of that contract with Montana Power or Defendant.
22

23 _____ ADMIT

_____ DENY + required Rule 36(a)(4) info.
24
25
26
27
28

1 **C-052**

2 RFA 31

3 **Regarding** Clarification of NWE's response to Petition ¶ 92.

4 **Witness:** Unknown (When "unknown appears, please indicate the witness who will attest to
5 NorthWestern's response to the RFA.)

- 6
- 7 1) Please admit that the 175 watt mercury vapor (MV) lights in Billings SILMDs #
8 161 & 162 were changed to 100 watt high pressure sodium lights pursuant to the
9 1982 PSC Order No. 4938a.

10

11 _____ **ADMIT**

12 _____ **DENY + required** Rule 36(a)(4) info.

13 **C-053**

14 RFA 32

15 **Regarding** Clarification of NWE's response to Petition ¶ 93.

16 **Witness:** Unknown (When "unknown appears, please indicate the witness who will attest to
17 NorthWestern's response to the RFA.)

- 18
- 19 1) Please admit that the PSC's 1982 Order No. 4938a allowed NorthWestern's
20 predecessor, Montana Power, 7 years to complete the transition to HPS street
21 lights from earlier technologies.

22

23 _____ **ADMIT**

24 _____ **DENY + required** Rule 36(a)(4) info.

25 **C-054**

26 RFA 33

27 **Regarding** Clarification of NWE's response to Petition ¶ 94.

28 **Witness:** Unknown (When "unknown appears, please indicate the witness who will attest to
29 NorthWestern's response to the RFA.)

- 30
- 31 1) Please admit that:
- 32 a. NorthWestern's predecessor, Montana Power, completed the transition
33 to HPS street lights from earlier technologies within the seven years
34 allowed by PSC Order No. 4938a;
- 35 b. NorthWestern's predecessor, Montana Power, did not seek relief from
36 PSC Order No. 4938a to allow it more than 7 years to completed the
37 transition to HPS street lights from earlier technologies;
- 38 c. Compliance with PSC's 1982 Order No. 4938a, would have required all
39 conversions to utility-owned HPS lights in Montana Power's system to be
40 completed by 1/1/1990.

41

42 _____ **ADMIT**

43 _____ **DENY + required** Rule 36(a)(4) info.

1 **C-055**

2 RFA 34

3 **Regarding** Clarification of NWE's response to Petition ¶ 167

4 **Witness:** Unknown (When "unknown appears, please indicate the witness who will attest to
5 NorthWestern's response to the RFA.)

- 6
- 7 1) Please admit that In June of 2009, the overall cost showing on the billing
8 Northwestern Energy provided to Billings for SILMD # 228 was
9 \$23.75/mo./unit total charge. (\$688.81/29 lights = \$23.75 total charge per
10 street light) (rounded to the nearest penny)

11

12 _____ **ADMIT** _____ **DENY + required** Rule 36(a)(4) info.

13

14 **C-056**

15 RFA 35

16 **Regarding:** Clarification of NWE's response to Petition ¶ 168.

17 **Witness:** Unknown (When "unknown appears, please indicate the witness who will attest to
18 NorthWestern's response to the RFA.)

- 19
- 20 2) Please admit that the \$23.75 per month per luminaire charge to Billings for
21 street lights in SILMD # 228 in June of 2009 included a \$19.17 ownership
22 charge plus a \$0.54 month per light operations charge and a \$0.56/month
23 per light maintenance charge that was not levied on city owned lights in
24 SILMD # 227. Taken together, the operations charge and maintenance
25 charge totaled \$1 per light per month or \$12 per light per year.

26

27 _____ **ADMIT** _____ **DENY + required** Rule 36(a)(4) info.

28

29 **C-057**

30 RFA 36

31 **Regarding:** Further clarification of NWE's response to Petition ¶ 168.

32 **Witness:** Unknown (When "unknown appears, please indicate the witness who will attest to
33 NorthWestern's response to the RFA.)

- 34
- 35 1) Please admit that in June of 2009, the \$0.54 month per light operations charge and a
36 \$0.56/month per light maintenance charge levied on each street light NorthWestern
37 owned in Billings SILMDs was not levied on city owned lights in Billings SILMDs.

38

39 _____ **ADMIT** _____ **DENY + required** Rule 36(a)(4) info.

C-058

RFA 37

Regarding: Verification of the public record

Witness: Unknown (When “unknown appears, please indicate the witness who will attest to NorthWestern’s response to the RFA.)

- 1) Please admit that the numbers in Complainants’ Exhibit 15, Columns B & C, rows 2 through 14 are correct assessments for Gruba’s share of the SILMDs # 161 & 162 assessments as found in the property tax record for James Gruba which is online at <http://www.co.yellowstone.mt.gov/gis/csaprop.asp?propid=200511>.

ADMIT

DENY + required Rule 36(a)(4) info.

Complainants’ Exhibit 15 (Gruba)			
GRUBA SILMD ASSESSMENTS & OVERCHARGE			
	A	B	C
	Tax Year	SILMD # 161 Assessment	SILMD # 162 Assessment
1	2014	(1/2 year estimate) \$ 56.86	(½ year estimate) \$ 8.15
2	2013	\$113.92	\$ 16.30
3	2012	\$118.20	\$ 15.66
4	2011	\$100.64	\$ 13.04
5	2010	\$100.64	\$ 13.04
6	2009	\$113.06	\$ 13.04
7	2008	\$113.06	\$ 13.04
8	2007	\$119.92	\$ 13.04
9	2006		\$ 13.04
10	2005		\$ 13.04
11	2004		\$ 13.04
12	2003		\$ 13.04
13	2002		\$ 13.50
14	2001		\$ 13.50
15	Total Assessment for overcharge years)	\$836.30	\$184.47
16	Total overcharge	\$647.30	\$ 68.25

1 **C-059**

2 RFA 38

3 **Regarding:** Verification of the public record

4 **Witness:** Unknown (When "unknown appears, please indicate the witness who will attest to
5 NorthWestern's response to the RFA.)

- 6
7 1) Please admit that the numbers in Complainants' Exhibit 7, Columns C, rows 1
8 through 14 are correct assessments for Barsanti's share of the SILMD # 228
9 assessment as found in the property tax record for Leo Barsanti which is online
10 through the link at <http://www.co.yellowstone.mt.gov/gis/csaprop.asp?propid=217325>
11

12 _____ **ADMIT**

_____ **DENY** + required Rule 36(a)(4) info.

13 **COMPLAINANTS' EXHIBIT 7 (Barsanti)**

**(Ownership Charges Assessed to Barsantis After the Original Cost of SILMD # 228 Street
Lights had been fully recovered by NorthWestern plus an allowed rate of return on that
investment.)**

A	B	C	
	Year	Tax	
1	2013	93.58	
2	2012	94.54	
3	2011	81.68	
4	2010	81.68	
5	2009	92.64	
6	2008	92.64	
7	2007	102.1	
8	2006	102.1	
9	2005	85.08	
10	2004	79.4	
11	2003	66.18	
12	2002	65.02	
13	2001	52.94	
14	2000	46.04	
15		\$1,135.62	SUBTOTAL
16	1999	46.04	Estimate
17	1998	\$15.34	1/3 of estimated year
18		\$1,197	TOTAL

1 **COMPLAINANTS' SECOND INTERROGATORIES TO NORTHWESTERN**

2 **C-060**

3 I 16

4 **Regarding:** Clarification of NWE's billing practices.

5 **Witness:** Unknown (When "unknown appears, please indicate the witness who will attest to
6 NorthWestern's response to the interrogatory.)

- 7
8 1) Please explain in detail what NorthWestern's LS billing charge pays for.
9
10
11

12 **C-061**

13 I 17

14 **Regarding:** Clarification of NWE's billing practices.

15 **Witness:** Unknown (When "unknown appears, please indicate the witness who will attest to
16 NorthWestern's response to the interrogatory.)

- 17
18 1) Please explain in detail what NorthWestern's LS operations charge pays for and tell
19 how that charge differs from the LS billing charge.
20

21 **C-062**

22 I 18

23 **Regarding:** Clarification of NWE's billing practices.

24 **Witness:** Unknown (When "unknown appears, please indicate the witness who will attest to
25 NorthWestern's response to the interrogatory.)

- 26
27 1) Please explain why one group of 34, 100 watt lights is noted separately from another
28 100 watt light on the same SILMD # 230, June 2009 bill to the City of Billings. If it is
29 because the average original cost of the lights differs, please explain why that was
30 the case.
31 2) Please indicate the original cost of each group of lights and the dates billing began
32 for each group.
33

34 **C-063**

35 I 19

36 **Regarding:** Clarification of NWE's billing practices.

37 **Witness:** Unknown (When "unknown appears, please indicate the witness who will attest to
38 NorthWestern's response to the interrogatory.)

- 39
40 1) Please explain why one group of 17, 100 watt lights has an ownership charge of
41 \$15.72 and another 100 watt light in the same SILMD # 191 (June 2009 bill to the
42 City of Billings has an ownership charge of \$12.95. If it is because the average
43 original cost of the lights differs, please explain why that was the case. And tell why
44 the cost for the entire SILMD was not averaged.

- 2) Please indicate the original cost of each group of lights and the dates billing began for each group.

C-064

I 20

Regarding: Clarification of NWE's billing practices.

Witness: Unknown (When "unknown appears, please indicate the witness who will attest to NorthWestern's response to the interrogatory.)

- 1) Please explain why one group of 33, 100 watt lights has an ownership charge of \$15.72 and another group of 17, 100 watt light in the same SILMD # 183 (June 2009 bill to the City of Billings also has an ownership charge of \$15.72. If it is because the average original cost of the lights differs, please explain why that was the case.
- 2) And tell why the cost for the entire SILMD was not averaged. If it is because the one group of lights was installed later than the other, please give the date when billing began for each group.

C-065

I 21

Regarding: Clarification of NWE's billing practices.

Witness: Unknown (When "unknown appears, please indicate the witness who will attest to NorthWestern's response to the interrogatory.)

- 1) Please explain:
 - a. why NorthWestern is billing SILMD 10 an ownership charge of \$1.73 for 62 street lights when the City of Billings records show that you only own 61;
 - b. where the \$1.73 charge comes from;
 - c. when the \$1.73 charge started; and
 - d. What the average original cost of the 61 or 62 lights was at the time billing began?

C-066

I 22

Regarding: Clarification of NWE's billing practices.

Witness: Unknown (When "unknown appears, please indicate the witness who will attest to NorthWestern's response to the interrogatory.)

- 1) Please explain how NorthWestern's Street light Account numbers are determined;
- 2) What the numbers mean; and
- 3) Whether or not this account numbering system is used for accounts that are not street or area lighting?

C-067

I 23

Regarding: Clarification of NWE's response to Petition ¶ 29.

1 **Witness:** Roe & Unknown (When “unknown appears, please indicate the witness who will
2 attest to NorthWestern’s response to the RFA.)

3
4 1) Please provide:

- 5 a. the subtotals of the number of street lights NorthWestern owned by ownership
6 charge category and in aggregated total:
 - 7 i. on December 31, 2009, and
 - 8 ii. on January 1, 2014;
- 9 b. the subtotals of the number of street lights NorthWestern owned by ownership
10 charge category and in aggregated total which were more than 15 years old:
 - 11 i. on December 31, 2009, and
 - 12 ii. on January 1, 2014; and
- 13 c. the subtotals of the number of street lights that were in NorthWestern’s rate
14 base by ownership charge category and in aggregated total for the customer
15 class including street lighting service:
 - 16 i. on December 31, 2009, and
 - 17 ii. on January 1, 2014.

18
19 **C-068**

20 I 24

21 **Regarding:** NWE's service to SILMD # 162.

22 **Witness:** Roe & Unknown (When “unknown appears, please indicate the witness who will
23 attest to NorthWestern’s response to the RFA.)

24
25 1) Please provide:

- 26 a. The per unit cost of the high pressure sodium luminaires installed in SILMD # 162
27 at the time of installation
- 28 b. The date billing began for the HPS luminaires that were installed in SILMD # 162.
- 29 c. Detail what other replacements to existing lighting facilities were included in the
30 SILMD # 162 conversion from mercury vapor to HPS technology and the per unit
31 and total cost of those replacements.
- 32 d. Information on what existing poles, pole extensions, wiring, or other
33 infrastructure were used during the SILMD # 162 conversion to HPS to support
34 and provide electricity to the HPS luminaires.
- 35 e. The date that all street lighting plant from the installation of mercury vapor
36 lights in SILMD # 162 was completely amortized pursuant to PSC Order No.
37 4938a and provide the annual Montana Power report to the PSC showing the
38 completion of the amortization and the account number where it is reported.
- 39 f. The original cost of the entire HPS installation in SILMD #162 not including any
40 carryover of remaining undepreciated cost from previous alley lighting
41 infrastructure.
- 42 g. The original cost of the HPS installation in SILMD #162 plus any carryover of
43 remaining undepreciated cost from previous alley lighting infrastructure.

1 **C-069**

2 I 25

3 **Regarding:** NWE's service to SILMD # 161.

4 **Witness:** Roe & Unknown (When "unknown appears, please indicate the witness who will
5 attest to NorthWestern's response to the RFA.)

6
7 1) Please provide:

- 8 a. The per unit cost of the high pressure sodium luminaires installed in SILMD # 161
9 at the time of installation
- 10 b. The date billing began for the HPS luminaires that were installed in SILMD # 161.
- 11 c. Detail what other replacements to existing lighting facilities were included in the
12 SILMD # 161 conversion from mercury vapor to HPS technology and the per unit
13 and total cost of those replacements.
- 14 d. Information on what existing poles, pole extensions, wiring, or other
15 infrastructure were used during the SILMD # 161 conversion to HPS to support
16 and provide electricity to the HPS luminaires.
- 17 e. The date that all street lighting plant from the installation of mercury vapor
18 lights in SILMD # 161 was completely amortized pursuant to PSC Order No.
19 4938a and provide the annual Montana Power report to the PSC showing the
20 completion of the amortization and the account number where it is reported.
- 21 f. The original cost of the HPS installation in SILMD #161 not including any
22 carryover of remaining undepreciated cost from previous street lighting
23 infrastructure.
- 24 g. The original cost of the HPS installation in SILMD #161 plus any carryover of
25 remaining undepreciated cost from previous street lighting infrastructure.

26
27 **C-070**

28 I 26

29 **Regarding:** NWE's lack of a non-metered tariff for LED street lights.

30 **Witness:** Roe & Unknown (When "unknown appears, please indicate the witness who will
31 attest to NorthWestern's response to the RFA.)

- 32
33 1) Please detail how the current non-metered street lighting tariff for HPS lights will be
34 used to charge for LED street lights or propose a non-metered tariff for LEDs similar
35 to the one in place for Pacific Gas & Electric or other utility that charges on a non-
36 metered basis for LED street lights.
- 37
38
39
40
41
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1 **C-071**

2 I 27

3 **Regarding:** NWE's tests of LED street lighting.

4 **Witness:** Roe & Unknown (When "unknown appears, please indicate the witness who will
5 attest to NorthWestern's response to the RFA.)

- 6 1) If NWE has installed utility-owned LED street, roadway, or out-door area lighting on
7 any of its customers' premises, please provide the results of those installations,
8 including but not limited to, cost and energy reductions and customer satisfaction,
9 2) Provide the names of any staff or consultant involved in such installations or tests.

10
11 **C-072**

12 I 28

13 **Regarding:** Refusal to allow use of its poles to house customer-owned street lights.

14 **Witness:** Roe & Unknown (When "unknown appears, please indicate the witness who will
15 attest to NorthWestern's response to the RFA.)

- 16 1) If NorthWestern will allow cities, churches, and others to place customer-owned
17 LEDs on its poles, please provide:
18 a. a copy of any agreement the customer would be required to sign to receive
19 permission to utilize the poles owned by NorthWestern, and
20 b. a copy of the proposed charges that a customer would be required to pay for use
21 of poles that the customer had completely paid for pursuant to the ownership
22 charge, and
23 c. a copy of the proposed charges that a customer would be required to pay for use
24 of poles that the customer had not completely paid for pursuant to the
25 ownership charge.
26 2) If NorthWestern does not intend to allow cities, churches, and others to place
27 customer-owned LEDs on its poles, please detail all reasons why NorthWestern does
28 not intend to adhere to the rule requiring utilities to allow use of their infrastructure
29 as established in *Ottetail Power Company v. US*, 35 L.Ed.2d 359, 93 S.Ct. 1022, 410
30 U.S. 366 (1973) and a lower court ruling in *Ottetail Power Co. v. FPC*, 536 F.2d 240
31 (1976).
32

33 **COMPLAINANTS' SECOND REQUESTS FOR PRODUCTION OF DOCUMENTS TO NORTHWESTERN**

34
35 **C-073**

36 RPD 7

37 **Regarding:** NWE's ownership charge tariff.

38 **Witness:** Unknown (When "unknown appears, please indicate the witness who will attest to
39 NorthWestern's response to the RFA.)

- 40 1) Please provide a copy of tariff pages containing any numerical changes to any street
41 lighting ownership charge tariff that Montana Power or NorthWestern had between
42 1982 and the present.
43
44

1 **C-074**

2 RPD 8

3 **Regarding:** NWE's ownership charge tariff.

4 **Witness:** Unknown (When "unknown appears, please indicate the witness who will attest to
5 NorthWestern's response to the RFA.)

- 6 1) Please provide a copy of any staff, consultant, or other analysis and
7 recommendations that NorthWestern is relying on to plan and implement transition
8 from utility and customer-owned HPS street lighting on its system to LED or other
9 more efficient lighting.
- 10 2) Provide any studies the staff, consultant, or others relied on in writing their analysis
11 and recommendation.
- 12 3) Provide any cost analysis of LED street lighting that NorthWestern is now relying on
13 to evaluate the price of conversion to LED cobrahead, LED decorative post-top
14 luminaires, or LED luminaires for higher speed roadways. Include prices by wattage
15 for the LEDs needed to replace wattages in each HPS wattage light category of lights
16 now supplied or served by NorthWestern.

17
18 Respectfully submitted by

Date: February 27, 2014

19
20
21 _____
22 Russell L. Doty
23 4957 W. 6th St.
24 Greeley, CO 80634-1256
25 970-392-0021
26 Email: iwin4u1@earthlink.net

CERTIFICATE OF SERVICE

I certify that pursuant to ARM 38.2.313, 38.2.1209 and the Procedural Order dated January 16, 2014, on February 27, 2014, an accurate copy of the foregoing **Complainants' Second Set of Discovery Requests to NorthWestern in Docket No. D2010.2.14** were served upon the parties listed below in the manner provided:

<input checked="" type="checkbox"/> US Mail Original <input type="checkbox"/> Hand-deliver <input type="checkbox"/> Via Fax: <input checked="" type="checkbox"/> E-mail:	Kate Whitney, Montana Public Service Commission 1701 Prospect Av, PO Box 202601 Helena, MT 59620-2601 Email: kwhitney@mt.gov
<input checked="" type="checkbox"/> US Mail <input type="checkbox"/> Hand-delivery <input type="checkbox"/> Via Fax: <input checked="" type="checkbox"/> E-mail:	Laura Farkas, Montana Public Service Commission 1701 Prospect Av, PO Box 202601 Helena, MT 59620-2601 Email: lfarkas@mt.gov
<input type="checkbox"/> US Mail <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand-delivery <input type="checkbox"/> XX E-mail:	Robert A. Nelson, Montana Consumer Counsel 111 North Last Chance Gulch Suite 1B Box 201703 Helena MT 59620-1703 Email: robnelson@mt.gov
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 Russell L. Doty